

Appl. No. 10/771,907
Amdt. dated May 17, 2007
Reply to Office Action of March 7, 2007

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claims 5-10, 15-18, and 20-25 are pending in the application, with claims 9, 21, 22, and 24 having been amended, and claims 1-4, 11-14, and 19 having been canceled.

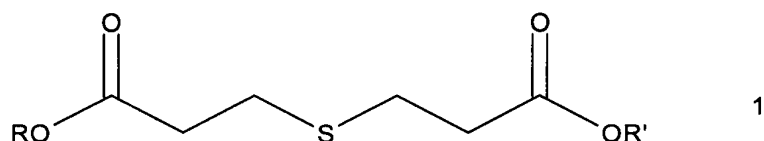
Claims 5-10, 15-18, and 20-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes-Gavilan (EP 1,054,052 A2; see also U.S. Patent No. 6,410,490) in view of Wegmann et al. (WO 2005/023886).

Reyes-Gavilan et al. disclose a lubricant composition stabilized against the deleterious effects of heat and oxygen. The composition comprises a hydrotreated or hydrodewaxed oil and an effective antioxidant stabilizing amount of a mixture of a phenolic antioxidant; an N,N-disubstituted aminomethyl-1,2,4-triazole; an aromatic amine antioxidant; an alkyl phenoxy alkanoic acid; and an N-acyl sarcosine derivative. Optionally, further additives are added to the subject lubricant compositions.

Wegmann et al. disclose a stabilized composition of methylmethacrylate-butadiene graft copolymers with selected sterically hindered phenolic antioxidants and thioethers.

All of the claims currently pending in the application require the presence of a first antioxidant that is butyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate. However, as has been acknowledged by the Examiner in the Office Action, Reyes-Gavilan et al. do not specifically disclose their hindered phenolic as butyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate.

Further, there is no disclosure in Reyes-Gavilan et al. of a greater than 40% solution of butyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate in a second antioxidant that is a dialkyldithiopropionate of the structure:



wherein R and R' are independently selected from the group consisting of straight chain and branched chain alkyl groups, e.g., ditridecyldithiopropionate, as required by all the claims.

Wegmann et al. merely show that esters of (3,5-di-tert-butyl-4-hydroxyphenyl)propionic acid with a mono alcohol can be used as antioxidants for methylmethacrylate-butadiene-styrene graft copolymers. Again, there is no disclosure or suggestion that a dialkyldithiopropionate of the structure of the present claims could be used as a solvent for butyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate to form a liquid concentrate.

Further, Wegmann et al. teach that, even as between two polymers of very similar structure, e.g., ABS and MBS, interactions with antioxidants can vary unpredictably (see Wegmann et al. beginning on page 1 at line 31 and continuing on to page 2 at line 16). Clearly, if one cannot predict the effectiveness of a given antioxidant for a given polymer, e.g. MBS, in view of its known effectiveness for a different, but very similar polymer, e.g., ABS, it stands to reason that the performance of an antioxidant for a lubricant cannot be predicted

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on the basis of that antioxidant's performance for a polymer. On the basis of this teaching of Wegmann et al., those skilled in the art would have no motivation to use butyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate in combination with a dialkyldithiopropionate to arrive at the currently claimed invention.

It is therefore requested that the rejection of claims 5-10, 15-18, and 20-25 under 35 U.S.C. 103(a) as being unpatentable over Reyes-Gavilan in view of Wegmann et al. be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance, and an early Office Action to that end is earnestly solicited.

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